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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,830	03/07/2002	Sumihiro Okawa	450100-03808	8003

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NEW YORK, NY 10151

EXAMINER

GEREZGIHER, YEMANE M

ART UNIT	PAPER NUMBER
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2144

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/092,830

Applicant(s)

OKAWA ET AL.

Examiner

Yemane M. Gerezgiher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

YMG

DETAILED ACTION

Response to Arguments

1. The response received on 10/19/2006 has been entered. Claims 1-10 remain pending in this application.
2. Applicant's remarks filed 10/19/2006 have been fully considered but they are not persuasive.
 - The inventive entity contends "Gambel has a filing date of March 9, 2001, which is not before the priority date of the present application, which is entitled to the benefit under 35 U.S.C. § 119, of Japanese application filed on March 9, 2001 in Japan. A certified translation of the priority document was previously submitted" (Applicant's Remark, Page 6, ¶5).
→ Applicant's claim of the certified translation of the priority document could not be verified. The Examiner notes that there is no **certified translation** of the foreign document made of record. Thus, the response is insufficient to overcome the pending rejection.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2 and 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Gambel (US 20020041667 A1).

As per claim 1, Gambel disclosed a router [Abstract] comprising: routing means for routing an IP packet [Abstract, Gambel, Page 3, ¶0032, a router for routing message];

an infrared-ray-emitting unit for emitting an infrared ray to an external apparatus [Gambel, Page 3, ¶0032-33, a router emitting a signal by making use of infrared ray emitter];

and control means for controlling said infrared-ray-emitting unit to emit an infrared ray based on a signal for controlling said external apparatus in accordance with data included in an IP packet received by said routing means

[Gambel, Page 3, ¶0032-36, a control component at the router receives remote user instruction and based on the instructions emitting infrared ray signal to control an A/V recording component].

As per claim 2, Gambel disclosed that the apparatus exchanging an IP packet with said routing means is a computer [Gambel, Page 1, ¶ 0006, any Internet capable device is remotely communicating with the remote router].

As per claim 5, Gambel disclosed the limitations, substantially as claimed, as described in claim 4, wherein said external apparatus is an audio/video apparatus [Page 3, ¶0032-36, A/V recorder].

As per claim 6, Gambel disclosed that the infrared-ray-emitting unit can be mounted on and dismounted from a main body of said router [Page 3, ¶0032-33, disclosed infrared ray emitter].

Claim 7 has limitations substantially the same as in claim 6 above. Thus, it is rejected with the same rationale.

Claim 8 has limitations substantially the same as in claim 1 above. Thus, it is rejected with the same rationale. Furthermore, Gambel disclosed the router device communicating with the external device via analog input/output signal [Page 6, Last 3 Lines of ¶0072].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gambel (US 20020041667 A1) in view of Ludwig et al. (U.S. Patent Number 6,351,762) hereinafter referred to as Ludwig.

As per claim 10, Gambel disclosed a method for controlling an audio/video apparatus by using a router, comprising the steps of: emitting an infrared ray based on a signal for controlling said audio/video apparatus from said router to said audio/video apparatus in accordance with a request made by a computer connected to said router [Gambel, Page 3, ¶0032-33, a router emitting a signal by making use of infrared ray emitter and Gambel, Page 3, ¶0032-36, a control component at the router receives remote user instruction from a remote location on the global communication network and based on the instructions received emitting infrared ray signal to control an A/V recording component];

Gambel, substantially disclosed the invention as claimed. Furthermore, Gambel disclosed a router processing analog or digital signals (Page 6, Last 3 Lines of ¶0072). However, Gambel failed to teach a router converting received analog signal into a digital signal and outputting the digital signal. However as evidenced by the teaching of Ludwig, a router performing conversion of analog-to-digital; and communicating the output digital content over the global network (WAN) was known in the art at the time the invention was made (Abstract, Fig.4, Figs. 31B-D and Column 10, Lines 44-64). Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Ludwig related to a router converting via analog-to-digital converter and have modified the teachings of Gambel related to remote control of a remote recording device via infrared ray emitting facilitating the transmission of analog signaled contents routed/communicated over the global communication network by supporting plurality of data formats in a multimedia steaming environment (Column 43, Lines 48-50 and Column 10, Lines 46-48).

As per claim 3, the already combined teachings of Gambel and Ludwig, since the already combined teachings are dealing with real-time time sensitive contents such as streaming of audio and video contents; an RTSP (Real Time Streaming Protocol) was inherently disclosed (see Ludwig, Column 5, Lines 12-55).

As per claims 4 and 9, the already combined teachings substantially disclosed the invention as claimed. Furthermore, given the fact that the combined teachings disclosed a router performing a conventional analog-to-digital and vice versa of audio and video contents; the already combined teachings necessarily involve an input unit for inputting an analog signal output by said external apparatus or analog input port having therein an audio-signal input sub-port for inputting an analog signal and a video-signal input sub-port for inputting a video signal. Thus, the router-performing analog to digital conversion as recited above inherently taught the input ports as claimed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

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no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

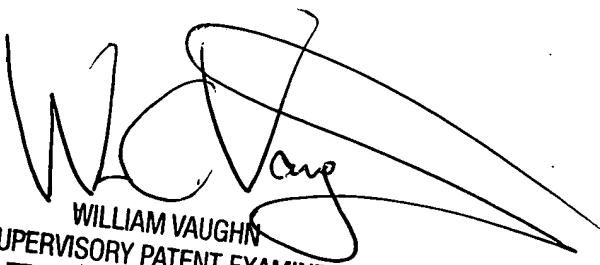
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane M. Gerezgiher whose telephone number is (571) 272-3927. The examiner can normally be reached on 9:00 AM - 6:00 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMG

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